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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,)
12) No. CR 08-00509 SBA
13 Plaintiff,)
14)
15 v.)
16)
17 EUGENE MOSES,)
18)
19 Defendant.)
20 _____

**STIPULATION AND ORDER
CONTINUING STATUS OR
CHANGE OF PLEA DATE AND
EXCLUSION OF TIME**

21 IT IS HEREBY STIPULATED, by and between the parties to this action, that the status or
22 change of plea date in this case, currently scheduled for Tuesday, May 19, 2009, at 10:00 a.m., may
23 be continued to Tuesday, June 2, 2009, at 10:00 a.m. for change of plea. The reason for the request
24 is that defense counsel is unavailable on May 19, 2009. In addition, counsel needs time to complete
25 its investigation and review all information, including the plea agreement, with Mr. Moses. A
26 continuance would allow counsel to complete its investigation, review all materials with Mr. Moses,
and be present for the change of plea.

1 The parties stipulate that the time from May 19, 2009, to June 2, 2009, should be excluded in
2 accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for
3 adequate preparation of counsel to allow counsel to complete its investigation and review the
4 information, including the plea agreement with Mr. Moses prior to the change of plea.
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7 DATED: May 14, 2009

/s/
JOYCE LEAVITT
Assistant Federal Public Defender

10 DATED: May 14, 2009

/s/
CHRISTINE WONG
Assistant United States Attorney

12 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
13 conformed signature “/s/” within this e-filed document.

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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status or change of plea date in this case, currently scheduled for Tuesday, May 19, 2009, at 9:00 a.m., is hereby continued to Tuesday, June 2, 2009, at 11:00 a.m. for change of plea.

IT IS FURTHER ORDERED that the time from May 19, 2009, to June 2, 2009, is hereby excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel to allow counsel to complete its investigation and review the materials, including the plea agreement. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED: 5/18/09

Saundra B Armstrong
HON. SAUNDRA BROWN ARMSTRONG
United States District Judge